

Minutes of the Virtual Village Board Meeting held on September 24, 2020 at 7:30PM

Present: Timothy Egan, Mayor
Tara Burek, Andrew Giacomazza, Jesus Gomez and Christopher Graziano, Trustees
Absent: None
Also Present: Kelly Naughton, Attorney for the Village

I. Public Comment on Agenda Items Only:

Dominic Cordisco stated he submitted a letter with comments on Introductory Local Law 10 of 2020, Building Moratorium.

Matthew Higgins asked for details on two vouchers on the abstract this evening: (1) Vouchers 200657 and 200658 for Thruway Sporting Goods and he was told it was clothing allowance for the Highway Department, (2) Voucher 200676 Sterling National Bank and he was told it is a BAN payment for the Valley Forge Sewer District. On Architectural Design Guidelines, page 9, Mr. Higgins asked how the eight-foot height requirement was determined. Attorney Naughton stated it was either a state guideline or based on the recommendation of the Village’s wireless consultant. The height requirement is not for the antenna, it is for the equipment so that it would be tampered by individuals walking by it.

II. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Trustee Giacomazza, seconded by Trustee Gomez, to accept receipt of the minutes of the meeting held September 10, 2020.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
NOES 0

b. Approval of Abstract:

Motion was offered by Trustee Burek, seconded by Trustee Graziano, to approve Abstract 8 containing vouchers 200577 – 200680 and totaling \$212,696.04.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
NOES 0

III. Old Business:

a. Approval of Architectural Guidelines – Supplement to Village Code Chapter 310-38:

Motion was offered by Trustee Giacomazza, seconded by Trustee Graziano, to approve the architectural guidelines as a supplement to the Village Code Chapter 310-38 “Wireless Telecommunication Facilities Siting” as on file in the Building Department.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
NOES 0

b. Resolution – Settlement of Town v Village Litigation:

Trustee Gomez stated he is upset about this issue. Mayor Egan and Supervisor Palermo met and came to an agreement on the terms of the settlement with the changes the Board approved (reduced bond payment refund and alteration to the plot of land to be reverted back to the town). The Town wanted the plot of land to create a parking lot for the Senior Center, to which the Board of Trustees agreed but wanted that included in the settlement language to which Supervisor Palermo had stated to Mayor Egan that it should not be a problem getting his Board to agree too. Based on this Trustee

Gomez stated he felt relieved that this will finalize the issue and we could all move forward as one Woodbury. Earlier this week the proposal received had the parking lot language removed because the Town Board decided they did not want any restrictions on their use. The reason he felt the parking lot language should be included in the stipulation was so it was very clear and specific what both entities were agreeing to so there would be no opportunity to litigate again in the future. He will not be voting in favor of this issue unless the restriction is included. Mayor Egan stated this stipulation is worded so that forever from this point forward the issue could not be revisited with litigation. Attorney Naughton agreed added that she will also follow-up with the proper documentation to ensure it is all submitted accurately.

Trustee Graziano stated the Board this evening is looking to settle the two-year old lawsuit that began before he was a board member. He feels that what is being settled tonight could have been done from the start if it were not for ego or political football – and it would have saved the taxpayers \$250K. He was not sure which way he was going to vote on this issue – adding this is the third time a settlement is being attempted. He feels the Village’s chances in court are good but in the end the taxpayers would be forced to pay more for the ridiculous lawsuit that never needed to happen. He feels it is a shame that it took a new Board to get something done because the previous Boards were either fighting each other or used it for a political advantage for running for office. One of his campaign promises was to end this litigation and he wants to follow through with the promise he made.

Trustee Burek stated she read an article online at which Mayor Egan and Supervisor Palermo were quoted about the litigation. She was going to go a different route with her comments this evening but when the Supervisor stated that the potential outcome was worth the legal expenses the two sides paid, she takes objection to that. She feels there are at least a dozen of other things that money could have been spent on to better the quality of life for the residents. The taxpayers have gained absolutely nothing from this lawsuit and in addition to the lost money, faith in one another has also suffered. Today we are a community at odds because of political agendas but she believes a vast majority of the residents want this litigation to end so both Board can focus on things that will be better for the community to move forward. She urged that in the future, the telephone be used as each Board member is accessible. This did not have to come to this point, dividing the community the way that it did.

Trustee Giacomazza stated he plans to vote in favor of this issue to end the litigation. Trustee Gomez and he began the course to become a Village Trustee partly because of this lawsuit. He feels the lawsuit was done for the wrong reasons where the land swap was done for the correct reasons. He noted Woodbury is an embarrassment throughout the Hudson Valley. He is involved in other organizations that bring him in contact with politicians from other entities and they tell him that they do not want to become what Woodbury has become. The route chosen to sue taxpayers and then defend their actions by saying this lawsuit was justified and validated is not okay by him. He is also confused as to why the total amount spent by the Town keeps changing (the amount in on the online article as very different from the amount that was recently FOILed). He feels whatever was spent was a complete waste of taxpayer money and all it did was divide the community. Trustee Gomez and he inherited this lawsuit, making it clear it was not something that they started. He stressed that this was not the Town and Village suing each other – it is the Town suing the Village and the Village is defending its taxpayers. He is happy this is over but feels it could have been resolved with a telephone call

Motion was offered by Trustee Burek, seconded by Trustee Giacomazza, to authorize the Mayor to sign the “Stipulation of Settlement and Discontinuance” with respect to the “Town of Woodbury and the Town of Woodbury Town Board (Plaintiffs) against the Village of Woodbury, Village of Woodbury Board of Trustees and Orange County (Defendants)” proceedings, Orange County Index No EF006036-2018.

ADOPTED AYES 4 Egan, Burek, Giacomazza, Graziano
 NOES 1 Gomez

IV. New Business:

a. Closing of Escrow – HM Center Group:

This item was removed from the agenda as it was already done in August 2020.

b. Advertise for Bids – New Water/Sewer Vehicle:

Motion was offered by Trustee Burek, seconded by Trustee Graziano, to authorize the Village Clerk to advertise for bids for the purchase of a new truck for the Water/Sewer Department.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

c. Return of Building Permit Fee – Woodbury Lion’s Club:

Motion was offered by Trustee Giacomazza, seconded by Trustee Gomez, to authorize the return of the \$98 building permit fee (permit #20-4303) that was issued to the Woodbury Lions Club for a shed they purchased/installed at the Highland Mills Methodist Church for the food pantry.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

V. Public Comment:

Maria Hunter stated earlier today she posted on Facebook© a webinar being hosted by the Orange County Planning Department on October 1 regarding the preservation of open space and farmlands. She hopes that each Board member that is chairing the Comprehensive Plan and Land Preservation Committees urge their members to attend the meeting because she feels it is very important.

Matthew Higgins asked the Board if there has been an agreement between the railroad and Speyside relating to the access road. Attorney Naughton stated she is not aware of one, but it could be a private matter between two parties that would not involve the Village. Mr. Higgins then asked if anyone on the Board aside from the Mayor raised their concerns with the DEC over this application. Mayor Egan stated he submitted comments on behalf of the entire Board. Mr. Higgins stated he understood that but felt each Board member should have written their own comments as well. He then stated there is no federal edict regarding the flags being required to fly at half-mast and he would like to see them all raised as it is disturbing to him that they are not.

Neil Crouse thanked the Board for finally settling the lawsuit. This litigation was served upon the Village with no prior notification or discussion even though both Board approved the transaction by a majority vote. He then stated he has already registered to attend the webinar discussed earlier. He has also already had two extension conversations with the County about this issue.

Maria Hunter spoke again and added that the access road mentioned by Mr. Higgins is gravel and it is causing a lot of dust to kick-up. She is upset by this as she washed her car this morning and now it is dirty. Mayor Egan stated he would speak to the Building Department and added it was also one of the issues the Village wrote to the DEC about in their comments.

VI. Board Member/Department Comment:

Mayor Egan stated since November one of his main goals to accomplish in his first term of office was to find a way to send the Town vs Village litigation. Starting in January he began meeting with the Supervisor to negotiate a settlement. After three meetings an agreement was met that each were comfortable with and each then brought the terms back to their respective Boards for discussion. Tonight, the Village Board voted on those terms and he fully expects the Town Board to do the same at their next meeting. He noted this will end a several year conflict between both entities and in the interest of moving Woodbury forward, we can all anticipate working together in the best interests of all Woodbury residents. He feels it is now time for Woodbury to heal and thanked his Board members for their support and willingness to bring this issue to a conclusion avoiding further taxpayer expense.

Trustee Graziano thanked all that attended the meeting this evening and for taking an interest in what is going on in their community.

Trustee Gomez wished all the children beginning in person classes this week a healthy and safe school year. He noted it will take some time for this new schedule to feel normal but urged all to remember this too will pass and hopefully the real normal will return soon. He asked all to be kind and patient with each other and to remember to follow the rules as there are in place to keep everyone safe.

Trustee Burek thanked everyone for attending the meeting this evening. She then acknowledged the passing of Supreme Court Justice Ruth Bader Ginsberg and acknowledged the profound impact the Justice had on her life and the life of all women.

Trustee Giacomazza stated when he first decided to run for office one of the things that was a priority for him to accomplish was the end the lawsuit. Early last year the process was begun and two joint public meetings were held to discuss settlements. He also had informal meeting with Councilman Hunter and then Councilmen Arone and Essig. He felt progress was going great until the Supervisor decided to end the meetings when he was asked about the taxpayer money that was spent by the town on attorney fees. He feels Woodbury is a true embarrassment to the entire Hudson Valley and the State by spending \$250K of taxpayer money to fight itself. Last year then Mayor Queenan met with the Supervisor at which the Supervisor asked for \$1 million to make the lawsuit go away. Trustee Giacomazza noted the money being requested is not coming out of the Board members pockets but out of the taxpayers themselves. This lawsuit was all about money noting the Supervisor felt the land the Village gave up (the reservoir, the ballfields, the pavilion, the dog park, the animal shelter) was all worth less than the land the Town gave up (the Highway garage). He is concerned about who will take credit for reaching the settlement, noting if the Town does it will be like “setting fire to a bunch of garbage, throwing water on it and then throwing yourself a parade afterwards”. He then cited the School Resource Officer issue the Town had with the Monroe-Woodbury School District that the Town canceled without notifying anyone then “threw a party” when it was renegotiated. He feels both these issues are examples of the Town Board’s inability to properly use a telephone. He then noted that he is proud of the work the Village Board has accomplished during the pandemic – passing a comprehensive water protection act, completing the LED conversion of all street lights, hiring an additional Code Enforcement Officer and all the Village Code changes that have been enacted. He then announced the Village is working with the Ambulance Corps and is hosting their annual blood drive on September 26 at Village Hall. On September 27 there is a meeting of concerned residents that will be meeting to discuss ways to improve the look of our community. Next week the Village will be joining the Town of Monroe at a “Back the Blue” rally. He then wished all to celebrate an easy fast during Yom Kippur.

Clerk Potvin noted the passing of former Water/Sewer employee Catherine Carberry. Catherine served as Account Billing Clerk for the Water/Sewer Department from 1987 to 2001.

VII. Adjournment:

With no further comments received or business to discuss, a motion was offered by Trustee Giacomazza, seconded by Trustee Burek, to adjourn the meeting at 820.

ADOPTED	AYES	5	Egan, Burek, Giacomazza, Gomez, Graziano
	NOES	0	

Desiree Potvin, Village Clerk

Attorney/Client Session with Village Attorney